

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN CAROLYN SQUIRES**, on February 23, 2007  
at 3:00 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Carolyn Squires, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Jeff Essmann (R)  
Sen. Steven Gallus (D)  
Sen. Rick Laible (R)  
Sen. Jesse Laslovich (D)  
Sen. Dave Lewis (R)  
Sen. Jim Shockley (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Larry Jent (D)

**Members Absent:** None.

**Staff Present:** Dave Bohyer, Legislative Branch  
Lois O'Connor, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted:	SJ 21, 2/15/2007; SB 538, 2/15/2007; SB 517, 2/15/2007; SB 534, 2/15/2007; SB 532, 2/15/2007;
Executive Action:	SB 358, SB 526, SJ 21, SB 538, SB 532, SB 517, SB 534, SB 219, SB 497

00:00:01

**EXECUTIVE ACTION ON SB 358**

00:00:17 **Motion/Vote:** SEN. LASLOVICH moved that SB 358 BE  
TABLED. Motion carried unanimously by voice vote.

**EXHIBIT**(sts41a01)

**EXECUTIVE ACTION ON SB 526**

00:00:36 **Motion:** SEN. GALLUS moved that SB 526 BE TABLED.  
Motion carried unanimously by voice vote.

**EXHIBIT**(sts41a02)

**HEARING ON SJ 21**

**Opening Statement by Sponsor:**

00:01:17 **SEN. JIM PETERSON (R), SD 15,** opened the hearing on **SJ  
21,** Name Lewistown armory to honor MSG Robbie D.  
McNary.

**Proponents' Testimony:**

00:03:55 Cory Swanson

00:05:51 James Irish, Montana Army National Guard

00:07:22 Mike Moreni

00:09:57 Lisa McNary, Daughter

00:10:23 Gary Distad, Montana Army National Guard

00:11:12 Colonel Jim Jacobsen, Legislative Liaison American  
Legion

**Opponents' Testimony:** None.

**Informational Testimony:**

00:11:44 Randy Mosley, Adjutant General, Montana Veterans  
Affairs Administration

**Questions from Committee Members and Responses:**

00:12:17 Sen. Jim Shockley to Adjutant General Mosley, Veterans  
Affairs Administration

**Closing by Sponsor:**

00:13:22 Sen. Peterson

**EXECUTIVE ACTION ON SJ 21**

00:14:41 **Motion/Vote:** SEN. TROPILA moved that SR 21 DO PASS.  
Motion carried unanimously by voice vote.

**HEARING ON SB 538**

**Opening Statement by Sponsor:**

00:14:57 SEN. JIM ELLIOTT (D), SD 7, opened the hearing on SB  
538, Establish bill of rights day.

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:17:01 Sen. Elliott to Sen. Jesse Laslovich

00:17:28 Sen. Joe Balyeat to Sen. Elliott

**Closing by Sponsor:**

00:18:03 Sen. Elliott

**EXECUTIVE ACTION ON SB 538**

00:18:14 **Motion/Vote:** SEN. GALLUS moved that SB 538 DO PASS.  
Motion carried unanimously by voice vote.

**HEARING ON SB 517**

**Opening Statement by Sponsor:**

00:18:46 **SEN. JERRY BLACK (R), SD 14**, opened the hearing on **SB 517**, Revise time certain polling places are open.

**Proponents' Testimony:**

00:22:44 Robert Throssell, Montana Association of Clerks and Recorders (MACR)

00:24:40 Janis Hoppes, Pondera County Clerk and Recorder

00:30:13 Cheryl Wood, Associate Director, Montana Association of Counties (MACo)

**Opponents' Testimony:**

00:30:30 Jim Farrell, Executive Director, Montana Democratic Party

00:35:44 Beth Brenneman, Montana Advocacy Program (MAP)

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:37:27 Sen. Rick Laible to Ms. Hoppes, Pondera County Clerk and Recorder

00:39:53 Sen. Carolyn Squires to Ms. Brenneman, MAP

00:41:27 Sen. Squires to Ms. Hoppes, Pondera County Clerk and Recorder

00:42:32 Sen. Squires to Ms. Brenneman, MAP

00:42:58 Sen. Dave Lewis to Mr. Farrell, Montana Democratic Party

00:45:00 Sen. Laible to Ms. Brenneman, MAP

00:46:49 Sen. Vicki Cocchiarella to Mr. Throssell, MACR

00:49:13 Sen. Jeff Essmann to Ms. Brenneman, MAP

00:50:46 Mark Simonich, Office of the Honorable Secretary of State Brad Johnson (Secretary of State's Office)

00:51:37 Sen. Balyeat to Sen. Black

**Closing by Sponsor:**

00:52:57 Sen. Black

**HEARING ON SB 534**

**Opening Statement by Sponsor:**

00:56:05 **SEN. DAVID WANZENRIED (D), SD 49**, opened the hearing on **SB 534**, Redirect state trust land assets.

**Proponents' Testimony:**

00:57:52 Mary Sexton, Director, Montana Department of Natural Resources and Conservation (DNRC)

01:02:53 Neil Meyer

01:04:32 Melanie Parker

01:06:07 Jim Stone, Ovando School Board

**Opponents' Testimony:**

01:07:09 Steve Pilcher, Montana Stockgrowers Association

01:08:56 John Youngberg, Montana Farm Bureau Federation

01:10:02 Roy Andes, Attorney, MonTRUST

**Informational Testimony:**

01:14:07 Tom Schultz, Trust Land Management Division, Montana Department of Natural Resources and Conservation (DNRC)

**Questions from Committee Members and Responses:**

01:14:27 Sen. Shockley to Mr. Schultz, DNRC

01:16:06 Sen. Lewis to Sen. Wanzienried rereferred to Mr. Schultz, DNRC

01:17:45 Sen. Laible to Mr. Schultz, DNRC, rereferred to Director Sexton, DNRC

01:21:53 Sen. Cocchiarella to Director Sexton, DNRC

01:24:15 Sen. Cocchiarella to Mr. Schultz, DNRC

01:25:10 Sen. Cocchiarella to Sen. Wanzenried rereferred to  
Director Sexton, DNRC

01:26:47 Sen. Balyeat to Mr. Andes, MonTrust, rereferred to Mr.  
Schultz, DNRC

**EXHIBIT**(sts41a03)

01:32:20 Sen. Lewis to Director Sexton, DNRC

**Closing by Sponsor:**

01:34:17 Sen. Wanzenried

**HEARING ON SB 532**

**Opening Statement by Sponsor:**

01:37:05 **STEVEN GALLUS (D), SD 37**, opened the hearing on **SB  
532**, Revise firefighter retirement laws.

**Proponents' Testimony:**

01:38:05 Doug Neil, Montana State Fireman's Association

01:41:03 Kurt Bushnell, President, Montana State Fireman's  
Association

**Opponents' Testimony:**

01:45:50 Roxanne Minnehan, Executive Director, Montana Public  
Employees Retirement Administration (MPERA)

**EXHIBIT**(sts41a04)

**Informational Testimony:**

01:50:49 Kim Flatow, Montana Public Employees Retirement  
Administration (MPERA)

**Questions from Committee Members and Responses:**

01:51:13 Sen. Balyeat to Ms. Minnehan, MPERA

01:52:25 Sen. Balyeat to Sen. Gallus

**Closing by Sponsor:**

01:54:13 Sen. Gallus

**EXECUTIVE ACTION ON SB 532**

01:55:05 **Motion:** SEN. GALLUS moved that SB 532 DO PASS.

**Discussion:**

01:55:31 Sen. Balyeat

01:56:31 **Substitute Motion/Vote:** SEN. SHOCKLEY made a substitute motion that SB 532 BE TABLED. Substitute motion failed 5-6 by roll call vote with SEN. BALYEAT, SEN. ESSMANN, SEN. LAIBLE, SEN. LEWIS, and SEN. SHOCKLEY voting aye. SEN. JENT voted no by proxy.

**Discussion:**

01:59:04 Sen. Gallus to Mr. Neil, Montana State Fireman's Association

01:59:36 Sen. Cocchiarella to Ms. Minnehan, MPERA

02:00:28 Sen. Gallus to Sen. Cocchiarella

02:01:17 Sen. Shockley

02:01:30 Sen. Gallus

02:01:51 Sen. Laible to Ms. Minnehan, MPERA

02:03:16 Sen. Squires to Mr. Neil, Montana State Fireman's Association

02:05:58 Sen. Cocchiarella to Mr. Neil, Montana State Fireman's Association

02:07:55 Sen. Gallus to Mr. Bohyer, LSD

02:08:13 **Vote:** Motion that SB 532 DO PASS carried 10-1 by voice vote with SEN. LAIBLE voting no. SEN. JENT voted aye by proxy.

**EXECUTIVE ACTION ON SB 517**

02:09:13 **Motion:** SEN. LEWIS moved that SB 517 DO PASS.

**Discussion:**

02:09:35 Sen. Essmann

02:10:06 Sen. Lewis

02:10:33 Sen. Balyeat

02:11:46 Sen. Shockley

02:12:24 **Vote:** Motion that SB 517 DO PASS carried 6-5 by voice vote with SEN. GALLUS, SEN. LASLOVICH, SEN. SHOCKLEY, and SEN. SQUIRES voting no. SEN. JENT voted no by proxy.

**EXECUTIVE ACTION ON SB 534**

02:13:39 **Motion:** SEN. GALLUS moved that SB 534 DO PASS.

02:13:52 **Motion:** SEN. GALLUS moved that #SB052801.AJK DO PASS.

**EXHIBIT**(sts41a05)

**Discussion:**

02:14:02 Sen. Shockley

02:14:23 **Vote:** Motion that #SB052801.AJK be approved carried 6-5 by voice vote with SEN. GALLUS, SEN. LASLOVICH, SEN. SHOCKLEY, and SEN. SQUIRES voting no. SEN. JENT voted no by proxy.

02:14:55 **Motion:** SEN. GALLUS moved that SB 534 DO PASS AS AMENDED.

**Discussion:**

02:15:23 Sen. Laible

02:15:33 Sen. Shockley

02:15:47 Sen. Cocchiarella to Sen. Lewis

02:16:48 Mr. Bohyer, LSD



02:17:02 Sen. Shockley to Mr. Bohyer, LSD

02:17:37 Sen. Essmann

02:18:26 **Vote:** Motion that SB 534 DO PASS AS AMENDED carried 7-4 by roll call vote with SEN. BALYEAT, SEN. ESSMANN, SEN. LAIBLE, and SEN. LEWIS voting no. SEN. JENT voted aye by proxy.

**EXECUTIVE ACTION ON SB 219**

02:20:16 **Motion:** SEN. SHOCKLEY moved to RECONSIDER THE MOTION on SB 219.

**Discussion:**

02:20:51 Mr. Bohyer

02:21:27 Sen. Shockley

02:21:43 SEN. BALYEAT moved to reconsider the previous amendment to SB 219 dated January 19, 2007. Motion carried unanimously by voice vote.

02:22:23 SEN. BALYEAT withdrew the previous amendment to SB 219 dated January 19, 2007.

02:22:37 **Motion:** SEN. SHOCKLEY moved that #SB0021911.ABD be approved. Motion carried unanimously by voice vote.

**EXHIBIT**(sts41a06)

02:23:26 **Motion/Vote:** SEN. SHOCKLEY moved that SB 219 DO PASS AS AMENDED. Motion carried 10-1 by voice vote with SEN. COCCHIARELLA voting no. SEN. JENT voted aye by proxy.

**EXECUTIVE ACTION ON SB 497**

02:24:10 **Motion:** SEN. SHOCKLEY moved that SB 497 DO PASS.

**Discussion:**

02:24:34 Mr. Bohyer

02:24:49 **Motion:** SEN. COCCHIARELLA moved to amend SB 497 with amendment #SB049701.ADB.

**EXHIBIT**(sts41a07)

**Discussion:**

02:26:08 Sen. Lewis to Sen. Cocchiarella

02:26:23 **Vote:** Motion that #SB049701.ADB be approved carried unanimously by voice vote.

02:26:40 **Motion/Vote:** SEN. SHOCKLEY moved that SB 497 DO PASS AS AMENDED. Motion carried 10-1 by voice vote with SEN. BALYEAT voting no. SEN. JENT voted aye by proxy.

**ADJOURNMENT**

Adjournment: 6:00 P.M.

---

SEN. CAROLYN SQUIRES, Chairman

---

LOIS O'CONNOR, Secretary

CS/lo

Additional Exhibits:

**EXHIBIT ([sts41aad.pdf](#))**